



## Board of Mineral County Commissioners

Hawthorne, Nevada

June 3, 2009

The Honorable Board of Mineral County Commissioners met this day in a regular session with the following people present:

Jerrie Tipton	Chairman
Nancy Black	Vice-Chairman
Jim Essenpreis	Member
Cherrie George	Clerk
Cheri Emm-Smith	District Attorney
Annette Fitzgerald	Chief Deputy Clerk

**Absent:** None

### **Stephen Gustafson – Opening of bids for construction of New Babbitt Well.**

Clerk George advised that two bids were received, the first bid received on June 2, 2009 from Humboldt Drilling & Pump Co. from Winnemucca Nevada, total bid price \$392,000 and second bid received June 2, 2009 from Boart-Longyear Company, total bid price of \$387,175.

Mr. Gustafson advised they would need to review bids and go through the debarment process before awarding. This matter was re-scheduled for June 17, 2009 at 9:00 a.m.

### **Reports and Correspondence:**

Letter dated May 5, 2009 from Nevada Small Business Department Center relative to Census partnership.

Letter dated May 22, 2009 from the Association of State Floodplain Managers, Inc. relative to John Stroud receiving certification as ASFPM Certified Floodplain Manager (CFM).

Letter dated May 22, 2009 from the State of Nevada Senate relative to Senate Concurrent Resolution No. 6 adopted May 19, 2009 regarding mapping of county roads.

Letter dated May 29, 2009 from John Stroud, Building Inspector relative to certifications required of Building Inspector position.

### **Minutes of May 14, 18 and 20, 2009:**

The Minutes of May 14, 18 and 20, 2009 were presented to the Board for discussion and appropriate action.

**A MOTION WAS MADE BY** Commissioner Black seconded by Commissioner Tipton and unanimously carried by the Board to approve the Minutes of May 14 and 18, 2009 as presented.

**A MOTION WAS MADE BY** Commissioner Essenpreis, seconded by Commissioner Tipton and unanimously carried by the Board to approve the Minutes of May 20, 2009 as presented.

### **Public Comment:**

Comments were made by Mike McMullen relative to businesses and county employees not paying their taxes.

**Stephen Gustafson – Approval of contract with ARRA relative to Wastewater Treatment Plant and Sewer Collection System from Stimulus Funds. Approval of contract with Farr West Engineering for Wastewater Collection System Engineering Agreement. Approval of contract with Farr West Engineering for Treatment Facility Engineering Agreement. Approval of Farr West Engineering, Task Order #9, Amendment 1, providing 24-hour oversight of new Babbitt Well drilling and engineering during construction.**

A statement was made by Stephen Gustafson relative to grant award for the Wastewater Treatment Plant.

Brent Farr of Farr West Engineering gave a presentation on the American Recovery and Reinvestment Act of 2009 (ARRA).

Statements were made by District Attorney Emm-Smith relative to the contract for wastewater; deadlines of upcoming contracts and recommended tracking all contracts on a board in the Commissioner room.

Commissioner Tipton requested to have the drinking water contract sent to the District Attorney as soon as possible prior to the meeting.

Discussion ensued relative to the Babbitt Well Project; Wastewater Treatment Facility Project; wastewater ponds; Wastewater Collection System Project; Clean Water contract, funding source; repayment issues; loan reimbursement; resident engineer and inspector; timeframes; performance and payment bond and waivers.

**A MOTION WAS MADE BY** Commissioner Essenpreis, seconded by Commissioner Black and unanimously carried by the Board to approve contract with ARRA relative to Wastewater Treatment Plant and Sewer Collection System from Stimulus Funds.

**A MOTION WAS MADE BY** Commissioner Essenpreis, seconded by Commissioner Black and unanimously carried by the Board to approve contract with Farr West Engineering for Wastewater Collection System Engineering Agreement.

**A MOTION WAS MADE BY** Commissioner Essenpreis, seconded by Commissioner Black and unanimously carried by the Board to approve contract with Farr West Engineering for Treatment Facility Engineering Agreement.

**A MOTION WAS MADE BY** Commissioner Essenpreis, seconded by Commissioner Black and unanimously carried by the Board to approve Farr West Engineering, Task Order #9, Amendment 1, providing 24-hour oversight of new Babbitt Well drilling and engineering during construction.

**Business License Applications – The following applications were presented:**

- a. Mike Faria; Business: Mike Faria; Address: Countywide

Mr. Faria was not present nor represented.

Statements were made by Mr. Stroud relative to handyman definitions and limitations.

District Attorney Emm-Smith advised the Board could approve with limited scope of work and include the Building Inspector's letter of definitions and limitations as described.

**A MOTION WAS MADE BY** Commissioner Black, seconded by Commissioner Essenpreis and unanimously carried by the Board to approve the business license for Mike Faria with the exception noted in the letter by the Building Inspector; that the handyman license would apply to the items listed in the letter; that there would be no work performed which would requires a contractor's license and that delivery of the letter would be made by personal service or certified mail.

- b. Gary W. Hardesty; Business: Hardesty's General Repair; Address: Countywide

Mr. Hardesty present and provided a brief description of his repair business including small appliances.

**A MOTION WAS MADE BY** Commissioner Essenpreis, seconded by Commissioner Black and unanimously carried by the Board to approve the business license for Hardesty's General Repair.

- c. Jason Bell; Business: Affordable Rain Gutters; Address: Countywide

Mr. Bell was not present nor represented.

**A MOTION WAS MADE BY** Commissioner Black, seconded by Commissioner Essenpreis and unanimously carried by the Board to approve the business license for Affordable Rain Gutters.

- d. Alex J. Riddle; Business: A.R. Printing; Address: Countywide

Mr. Riddle was not present not represented.

**A MOTION WAS MADE BY** Commissioner Essenpreis, seconded by Commissioner Black and unanimously carried by the Board to approve business license for A.R. Printing.

- e. James P. Robinson; Business: Precision Glass; Address: 165 Bodie St., Hawthorne

Mr. Robinson was not present nor represented.

Discussion ensued relative to record of storage site.

**A MOTION WAS MADE BY** Commissioner Black, seconded by Commissioner Essenpreis and unanimously carried by the Board to approve the address change for Precision Glass.

- f. Arlene M. Hoferer; Business: Alison's Pantry; Address: 304 C Street, Hawthorne

Mr. Hoferer present and provided a brief description of her distribution business and provided the Board with complimentary Alison's Pantry catalogs.

**A MOTION WAS MADE BY** Commissioner Essenpreis, seconded by Commissioner Black and unanimously carried by the Board to approve the business license for Alison's Pantry.

g. William R. Wirtz; Business: **Wirtz Beverage Nevada, Inc.**; Address: Countywide

Mr. Wirtz was not present nor represented.

**A MOTION WAS MADE BY** Commissioner Black, seconded by Commissioner Essenpreis and unanimously carried by the Board to approve change of name for Wirtz Beverage Nevada, Inc.

**Wayne Carlson - Acceptance of renewal proposal from Nevada Public Agency Insurance Pool (POOL) and approval for payment from fiscal year 2009-2010 funds.**

Wayne Carlson, Executive Director and Rick Hudson, both of POOL/PACT and Woody Isom from Isom Insurance were present.

Statements were made by Mr. Carlson relative to Mineral County's policy increase of \$1,100 (approximately 1 percent); and programs/ services provided.

Statements were made by Mr. Hudson relative to POOL/PACT website; the addition of respirator fit testing; fire extinguisher training and workshops for investments.

Mr. Isom advised the Airport liability coverage is currently at \$3,000,000 and provided an option of \$10,000,000.

**A MOTION WAS MADE BY** Commissioner Black, seconded by Commissioner Essenpreis and unanimously carried by the Board to approve renewing proposal from Nevada Public Agency Insurance Pool (POOL) and approval for payment from fiscal year 2009-2010 funds of \$198,698.57.

**A MOTION WAS MADE BY** Commissioner Black, seconded by Commissioner Essenpreis and unanimously carried by the Board to maintain the Airport liability coverage at \$3,000,000.

**Jasmin Odom – Relative to a vacancy on the Mineral County Library Board of Trustees.**

Ms. George read a letter from Jasmin Odom, Library Director, dated May 22, 2009 relative to the vacancy on the Library Board of Trustees and recommendation for Cora Towe to fill the vacancy.

Ms. George advised there was an attached letter of requesting consideration from Ms. Towe.

**A MOTION WAS MADE BY** Commissioner Black, seconded by Commissioner Essenpreis and unanimously carried by the Board to approve the recommendation for Cora Towe to fill the vacancy on the Library Board of Trustees effective immediately, with the term expiring June 2012.

**Ann Kee – Relative to requesting a statement of support from the Board of Commissioners concerning private property rights and/or water rights within Mineral County and all related matters.**

Statements were made by Ms. Kee relative to Walker Lake property and water rights and requested the Board state on record that they would not negotiate private property rights or water rights of Walker Lake.

**A MOTION WAS MADE BY** Commissioner Essenpreis that Mineral County enters into an agreement that they would not negotiate away any of the water rights, property rights or any portion of the lake in future negotiations.

Motion died for lack of second.

Discussion ensued, including comments from members of the audience, relative to Walker Lake issues; upstream interest; lobbying state on bed and banks; BLM land; PILT funding; property boundaries as lake recedes; actual ownership of the lake; Tribal Counsel requests to government agencies; current legislation involving Walker River Basin; past meetings held at Walker Lake with the Walker River Paiute Tribe's (WRPT) presence and statement made at the meeting; Walker Lake residents petition delivered to State Officials and dedicated flood waters to Department of Wildlife.

Statements were made by Commissioner Tipton relative to the State and BLM's interest; the need to advise Senator Reid of the effect on the county; negative financial impact; unknown WRPT's interest and requests; and that the county couldn't negotiate the land.

Statements were made by District Attorney Emm-Smith relative to State actions regarding the water and lake; Walker Lake General Improvement District representation by Attorney Macadon and new Federal Legislation.

Statements were made by Commissioner Tipton relative to the press conference held by Senator Reid; that Legislation on Walker Lake and Walker River would be written and that the county needs to be part of discussion and provide input.

**A MOTION WAS MADE BY** Commissioner Essenpreis, seconded by Commissioner Black and unanimously carried by the Board to not discuss or negotiate away any water or property rights in Mineral County.

**Tamara Sandvik – Relative to moving the Luning Fire Department siren.**

Statements were made by Ms. Sandvik relative to receiving bids from local contractors and requested to have the Fire Department siren moved from the old Firehouse to the current station.

Commissioner Tipton advised it was county trust property.

Ms. Sandvik advised there is money in their budget if they transfer funds from one line item to another.

**A MOTION WAS MADE BY** Commissioner Black, seconded by Commissioner Essenpreis and unanimously carried by the Board to approve relocation of the siren to the Firehouse on Lead St., not to exceed \$1,400.

**Jim Essenpreis – Relative to the wages/salary for the Hawthorne Utilities Foreman position and all matters related thereto.**

Statements were made by Commissioner Essenpreis relative to the Board previously setting a wage schedule for the Foreman position; that it was the Board's intent that Foreman's and supervisor's wages wouldn't exceed wages of Department Heads.

Statements were made by Ms. Hoferer relative to the Foreman position wage scale having been set at \$38,000-\$42,000 based on qualifications and experience; that the new Foreman position exceeded the \$42,000 maximum set at previous meeting; that the person selected to fill the position had been employed with the County only a year yet was brought in at the maximum wage; that to her knowledge there had been no offer of employment letter issued and she had thought the position was not going to be filled.

Commissioner Tipton advised that per the budget submitted by Hawthorne Utilities, the Foreman wage would increase to \$43,260 if allowed the 3 percent increase.

Discussion ensued relative to entry position wages; the 2009-2010 budget; experience and qualifications and that wage consistency was needed.

Statements were made by Mr. Gustafson relative to an immediate need to fill the position; that he thought they had been discussing the current year budget and salary and that the position was filled at the \$42,000 salary.

Statements were made by District Attorney Emm-Smith relative to Hawthorne Utilities having hired an unclassified position with a 3 percent increase in July; that the Foreman was hired at \$42,000 and that the Board couldn't decrease the salary now; and the need for the county to contact Human Resources.

Statements were made by Ms. George relative to miscommunication issues; that the Board is not provided adequate time to review and research agenda items prior to meetings when action is requested.

District Attorney Emm-Smith advised she would contact Human Resources at POOL/PACT and questioned ramifications if employee is not given the 3 percent increase.

Commissioner Black questioned the two different job descriptions which had been published.

Commissioner Tipton recommended continuing this matter for 2 weeks.

**Deputy Sammy Scarlata – Relative to reimbursement for college class for higher education.**

This matter would be rescheduled per Deputy Scarlata's request.

**Sheriff Ed Smith – Relative to setting wages, benefits, retirement, ect., for Undersheriff Michael Dillard.**

Statements were made by Sheriff Smith relative to the resignation of Undersheriff Cripps; that Mike Dillard had been selected to fill the position; that Officer Cornell had been promoted to Lieutenant and recommended the Undersheriff's salary be set at \$45,416 which is 10 percent more than the new Lieutenant's wages.

Statements were made by Commissioner Tipton relative to wages being higher than other departments due to hazardous position and that the new Undersheriff had already been appointed and would receive retro pay.

Discussion ensued relative to the proposed wages and Undersheriff Dillard's 14 years with the department.

**A MOTION WAS MADE BY** Commissioner Black, seconded by Commissioner Essenpreis and unanimously carried by the Board to approve Undersheriff Mike Dillard's annual salary of \$45,416, effective May 25, 2009 with a salary increase of 3 percent effective July 1, 2009.

**Craig Nixon – Relative to Mineral County LEPC applying for FY 2010 SERC United We Stand Grant.**

Chief Nixon withdrew the agenda item.

**Min. Co. Regional Planning Commission – Relative to approval and recommendation to ratify a Division of Large Parcel #001-011-18, heard by the Mineral County Planning Commission on 05-13-09.**

Commissioner Tipton read the letter of recommendation from the Planning Commission and advised that the Board did not have the original milar map and requested to continue the agenda item until tomorrow.

**Request to ratify approval of a Special Use Permit – with conditions described in a motion of the Mineral County Regional Planning Commission for a large passive solar array erected and established by Luning Solar Energy, LLC in Luning, NV as described in the application**

Statements were made by Mark Nixon relative to the Planning Commission's approval with stipulations and to have the BLM agreement attached to the Special Use Permit.

Commissioner Tipton read the letter of recommendation from the Planning Commission.

**A MOTION WAS MADE BY** Commissioner Black, seconded by Commissioner Essenpreis and unanimously carried by the Board to approve the Special Use Permit for Luning Solar Energy, LLC with conditions as set forth by the Planning Commission.

**Public Comment:**

Comments were made by Mark Nixon regarding the Cliff House well at Walker Lake; that they are working on temporary tie-in with the Walker Lake water; that the system must be refurbished and they are on a Boiled Water Order.

**Charles Kihm – Public Meeting for Bureau of Land Management (BLM), Carson City Office, to discuss Luning Energy, LLC for Mineral County Renewable Energy project**

Statements were made by Mr. Kihm relative to the solar energy proposal; that they had received the application; that the proposal is compatible for the area and Mineral County planning and that Mr. Benson would have to provide a bond to BLM.

Discussion ensued relative to Luning Town being advised and receiving a copy of the Environmental Assessment; public comment period; required bonding; issues with noxious weeds; vegetation; open range; chain link fencing around the proposed area; mining claims and transmission lines.

**Edward Benson – Relative to a Special Use Permit for Luning Solar Energy, LLC for Mineral County Renewable Energy project.**

Statements were made by Commissioner Tipton relative to refund of the previous application processing fee.

**A MOTION WAS MADE BY** Commissioner Essenpreis, seconded by Commissioner Black and unanimously carried by the Board to authorize a refund of \$1,875 to Luning Solar Energy, LLC.

**Don Omdorff – Relative to lease of Walker Lake Community Center by Arizona Nevada Tower Corp. to implement USDA Broadband Grant.**

Mr. Omdorff presented the proposed resolution and advised of the grant to provide broadband services for 2 years at Walker Lake.

Statements were made by District Attorney Emm-Smith relative to Arizona Nevada Tower Corp. (ANTC) previous discussions before the Board; grant requirements and contingency upon Fire Chief's approval.

Statements were made by Mark Nixon relative to concerns and costs with equipment layout, security and utilities; grant requirements and that they have not yet had a meeting with ANTC.

Commissioner Tipton gave an overview of the last meeting held with ANTC and the benefits to Walker Lake being provided by the grant, and read letter from ANTC relative to Walker Lake Community Connect program.

Craig Nixon advised the Board of conditions in the grant.

Discussion ensued relative to issues with electrical in the building; security for the server; obtaining insurance; tower location; 3-week publication and holding the public hearing on July 1, 2009 at 1:30 p.m.

Commissioner Tipton read the resolution into the record and discussion ensued relative to revisions and additions to the resolution including: reference to the parcel number (008-091-01); adding that any remodel or construction wouldn't interfere or change the safety security or operations of the fire department or community center; that ANTC comply with public access requirements of the grant; that there be a \$1,000,000 liability insurance policy and that any claims in excess would be ANTC's liability; that any alterations or new construction improvements would have to have prior approval from Mineral County Fire Chief or his designee and the Building Inspector; and to add utilities responsibility and a hold-harmless agreement to the terms.

Ms. George and Fire Chief Nixon requested copies of the grant for review.

Commissioner Tipton recommended continuing this matter to tomorrow for revisions to the resolution.

**Jerrie Tipton - Relative to the Mineral County Renewable Energy Program (MCREP) and all matters thereto.**

Statements were made by Commissioner Tipton relative to the first Steering Committee meeting; that she is still waiting for confirmation of the depot's participation; that the next meeting would be held on June 22; that there was one letter of interest for the secretary position so far and that they would need to amend the ordinance to charge a nominal processing fee.

**Closed Session – Pursuant to Nevada Revised Statute (NRS) 241.015 (2)(b)(2) to receive information from Attorney relative to existing and/or pending litigation involving Walker Lake.**

No closed session necessary.

**Open Session – Relative to existing and/or pending litigation involving Walker Lake and any other matters related thereto.**

Commissioner Tipton advised she provided a personal invitation to Mr. Norm Harry to attend the next meeting in 2 weeks to identify issues and requested community input on language for legislation.

**A MOTION WAS MADE BY Commissioner Black, seconded by Commissioner Essenpreis and unanimously carried by the Board to adjourn the Board of Commissioners and convene the Board of Highway Commissioners.**

**Board of Highway Commissioners:**

**Jerrie Tipton – Discussion on first “draft” of Mineral County Roads, ways and trails map for inclusion into the Master Plan.**

Statements were made by Commissioner Tipton relative to being in the process of blending the two maps and requested to re-agenda this matter on June 17, 2009.

**A MOTION WAS MADE BY Commissioner Black, seconded by Commissioner Essenpreis and unanimously carried by the Board to adjourn the Board of Highway Commissioners and re-convene the Board of Commissioners**

**Public Comment:**

Comments were made by Mr. Omdorff relative to the Open Space Plan and that he might need a letter of request from the Commissioners to have Skip Canfield attend a meeting of the Board.

A comment was made by Mr. Amundsen relative to possible access to WIFI at Walker Lake.

**Commissioner Recognition:**

Commissioner Essenpreis expressed his thanks to Ms. George and Ms. Fitzgerald for cleaning and organizing the Commissioner Room.

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Statements were made by Commissioner Tipton relative to reviving the Public Land Use Advisory Board; that she was unable to locate the original resolution and that she had received a copy of Lander County's resolution to use as a template.

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There being no further business to come before this Board, the meeting of the Board adjourned until Thursday, June 4, 2009 at 9:00 a.m.

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A verbatim recording of this meeting has been prepared and by reference becomes a part thereof.

**Approved:** Board of County Commissioners

By:   
Jerrie Tipton, Chairman

Attest:  
  
Cherrie George, Clerk of the Board

# Board of MINERAL COUNTY COMMISSIONERS

JERRIE C. TIPTON, Chairman  
NANCY BLACK, Vice Chairman  
JAMES ESSENPREIS, Member  
CHERRIE GEORGE, Clerk of the Board

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Governing Board for the Towns of Hawthorne,  
Luning, Mina and Walker Lake;  
Liquor Board and Gaming Board;  
County Highway Commission

June 17, 2009

Mr. Ed Benson  
Luning Solar Energy, LLC  
6155 Plumas St. #185  
Reno, NV 89519

Dear Benson:

During the meeting of the Board of Mineral County Commissioners held on Wednesday June 3, 2009 the Mineral County Regional Planning Commission agendized for consideration and approval of the Special Use Permit Application for Luning Solar Energy, LLC on behalf of Ed Benson.

At the recommendation of the Regional Planning Commission a motion was made, seconded and unanimously carried by the Board to approve the Special Use Permit for Luning Solar Energy, LLC with the conditions set forth by the Planning Commission.

Sincerely,

  
Cherrie A. George  
Clerk of the Board

Cc: Planning Commission  
Enc: Copy of Board action